

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Michael Loukas v Dept of Corrections**
Docket No. **296883**
L.C. No. **09-000116-AW**

Donald S. Owens, Judge, acting under MCR 7.211(E)(2), orders:

The motion for installment fees is DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees and, in the circumstances of this case, application of MCL 600.2963(3) requires payment of an initial partial filing fee of \$51. In light of the average monthly deposit to appellant's prisoner account as reflected in the March 1, 2010 prisoner account statement, it is not manifest that appellant will be unable to pay the \$51 initial partial filing fee within 21 days of the certification of this order so as to justify dispensing with the initial partial filing fee requirement based on MCL 600.2963(7).

Thus, within 21 days of the certification of this order, appellant shall pay to the Clerk of the Court the initial partial filing fee of **\$51**, shall submit a copy of this order with the payment, **and shall refile the pleadings which are being returned with this order**. If appellant timely files the partial fee and refiles the pleadings, appellant may not file another appeal or original action in this Court until such time that either the Department of Corrections remits or appellant pays the entire outstanding balance due. 1999 PA 147, MCL 600.2963(8). Failure to comply with this order shall result in the appeal not being filed in this Court.

If appellant timely files the partial fee and refiles the pleadings, monthly payments shall be made to the Department of Corrections in an amount of 50 percent of the deposits made to appellant's account until the payments equal the balance due of **\$324**. This amount shall then be remitted to this Court. Again, appellant may not file either an original action or an appeal until appellant pays the entire outstanding balance due. 1999 PA 147, MCL 600.2963(8).

The Clerk of this Court shall furnish two copies of this order to appellant and return appellant's pleadings with this order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 19 2010

Date

Sandra Schultz Mengel
Chief Clerk